

METROPOLITAN BOARD OF ZONING APPEALS, DIVISION 1.

PETITION FOR INDUSTRIAL SPECIAL EXCEPTION

NEGATIVE FINDINGS OF FACT

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THIS SPECIAL EXCEPTION WOULD HAVE NO ADVERSE IMPACT ON THE PUBLIC HEALTH, SAFETY, MORALS OR GENERAL WELFARE. The use of the structure to provide for the temporary storage, processing and sale of limestone, would be too intense for the subject site and out of character with surrounding properties. Remonstrators presented credible testimony concerning the potential health risks associated with a limestone processing plant and possible contamination caused by rouge dust.
2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THIS SPECIAL EXCEPTION WOULD NOT ADVERSELY AFFECT THE ADJACENT AREA OR PROPERTY VALUES. The proposed temporary storage, processing and sale of limestone operation would negatively impact adjacent properties and property values. The proposed use would increase air and noise pollution, increase truck traffic in the area and detract from the visual aesthetics of the area.
3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THIS SPECIAL EXCEPTION WOULD BE IN HARMONY WITH THE CHARACTER OF THE DISTRICT AND THE LAND USE AUTHORIZED THEREIN. The proposed temporary storage, processing and sale of limestone operation would be substantially more intense than surrounding uses. The operations would be out of character with adjacent commercial and industrial uses and would detract from the overall aesthetics and character of the area.

DECISION

IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is DENIED.

Adopted this 4th day of April, 2017.

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